

# Exhibit O

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

PS FUNDING, INC.,

*Plaintiff,*

Index No: 503623/2021

-against-

1567 56 NY LLC, ARTHUR SPITZER, NEW  
YORK CITY – DEPARTMENT OF FINANCE,  
And JANE/JOHN DOE Nos. 1-12,

*Defendants.*

**Notice of Appeal**

PLEASE TAKE NOTICE that Non-Party, Rabbi Shlomo Braun, hereby appeals to the Second Department of the Appellate Division of the Supreme Court of the State of New York from an order dated June 9, 2023, by the Supreme Court, Hon. Lawrence Knipel, J.S.C., Kings County, entered July 14, 2023, with notice of entry dated July 20, 2023, and from each and every part thereof.

Dated: Brooklyn, NY  
August 24, 2023

Levi Huebner & Associates PC

By: /s/ Levi Huebner

488 Empire Boulevard, Suite 100  
Brooklyn, NY 11225  
Tell: (212) 354-5555

*Attorneys for Non-Party Rabbi Shlomo Braun*

# Supreme Court of the State of New York

## Appellate Division: Second Judicial Department

Informational Statement (Pursuant to 22 NYCRR 1250.3 [a])

<b>Case Title:</b> Set forth the title of the case as it appears on the summons, notice of petition or order to show cause by which the matter was or is to be commenced, or as amended.		<b>For Court of Original Instance</b>	
PS FUNDING, INC.,  <div style="text-align: center;">- against -</div> 1567 56 NY LLC, ARTHUR SPITZER, NEW YORK CITY – DEPARTMENT OF FINANCE, And JANE/JOHN DOE Nos. 1-12		Date Notice of Appeal Filed	
<b>Case Type</b>		<b>Filing Type</b>	
<input checked="" type="checkbox"/> Civil Action <input type="checkbox"/> CPLR article 75 Arbitration	<input type="checkbox"/> CPLR article 78 Proceeding <input type="checkbox"/> Special Proceeding Other <input type="checkbox"/> Habeas Corpus Proceeding	<input type="checkbox"/> Appeal <input type="checkbox"/> Original Proceedings <input type="checkbox"/> CPLR Article 78 <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Labor Law 220 or 220-b <input type="checkbox"/> Public Officers Law § 36 <input type="checkbox"/> Real Property Tax Law § 1278	<input type="checkbox"/> Transferred Proceeding <input type="checkbox"/> CPLR Article 78 <input type="checkbox"/> Executive Law § 298 <input type="checkbox"/> CPLR 5704 Review
<b>Nature of Suit:</b> Check up to three of the following categories which best reflect the nature of the case.			
<input type="checkbox"/> Administrative Review	<input type="checkbox"/> Business Relationships	<input type="checkbox"/> Commercial	<input type="checkbox"/> Contracts
<input type="checkbox"/> Declaratory Judgment	<input type="checkbox"/> Domestic Relations	<input type="checkbox"/> Election Law	<input type="checkbox"/> Estate Matters
<input type="checkbox"/> Family Court	<input checked="" type="checkbox"/> Mortgage Foreclosure	<input type="checkbox"/> Miscellaneous	<input type="checkbox"/> Prisoner Discipline & Parole
<input type="checkbox"/> Real Property (other than foreclosure)	<input type="checkbox"/> Statutory	<input type="checkbox"/> Taxation	<input type="checkbox"/> Torts

Appeal			
Paper Appealed From (Check one only):		If an appeal has been taken from more than one order or judgment by the filing of this notice of appeal, please indicate the below information for each such order or judgment appealed from on a separate sheet of paper.	
<input type="checkbox"/> Amended Decree <input type="checkbox"/> Amended Judgement <input type="checkbox"/> Amended Order <input type="checkbox"/> Decision <input type="checkbox"/> Decree	<input type="checkbox"/> Determination <input type="checkbox"/> Finding <input type="checkbox"/> Interlocutory Decree <input type="checkbox"/> Interlocutory Judgment <input type="checkbox"/> Judgment	<input checked="" type="checkbox"/> Order <input type="checkbox"/> Order & Judgment <input type="checkbox"/> Partial Decree <input type="checkbox"/> Resettled Decree <input type="checkbox"/> Resettled Judgment	<input type="checkbox"/> Resettled Order <input type="checkbox"/> Ruling <input type="checkbox"/> Other (specify):
Court: <b>Supreme Court</b>		County: <b>Kings</b>	
Dated: <b>06/09/2023</b>		Entered: <b>7/14/2023</b>	
Judge (name in full): <b>Hon. Lawrence Knipel, J.S.C.</b>		Index No.: <b>503623/2021</b>	
Stage: <input checked="" type="checkbox"/> Interlocutory <input type="checkbox"/> Final <input type="checkbox"/> Post-Final		Trial: <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <input type="checkbox"/> Jury <input type="checkbox"/> Non-Jury	
Prior Unperfected Appeal and Related Case Information			
Are any appeals arising in the same action or proceeding currently pending in the court? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes, please set forth the Appellate Division Case Number assigned to each such appeal.			
Where appropriate, indicate whether there is any related action or proceeding now in any court of this or any other jurisdiction, and if so, the status of the case: 1567 56th Street, LLC, 1569 56th Street, LLC, and Shlomo Braun v. Arthur Spitzer, Josh Weinfeld, Isidore Bleier, BSD Realty Holdings Inc., 1567 56 NY LLC, Dekel Abstract LLC, Abraham Teitelbaum, Rosa Funding LLC, PS Funding, Inc., and Jehuda Weisz, United States District Court, Eastern District New York 1:22-cv-04873			
Original Proceeding			
Commenced by: <input type="checkbox"/> Order to Show Cause <input type="checkbox"/> Notice of Petition <input type="checkbox"/> Writ of Habeas Corpus			Date Filed:
Statute authorizing commencement of proceeding in the Appellate Division:			
Proceeding Transferred Pursuant to CPLR 7804(g)			
Court: <b>Surrogates Court</b>		County: <b>Choose County</b>	
Judge (name in full):		Order of Transfer Date:	
CPLR 5704 Review of Ex Parte Order:			
Court: <b>Surrogates Court</b>		County: <b>Choose County</b>	
Judge (name in full):		Dated:	
Description of Appeal, Proceeding or Application and Statement of Issues			
Description: If an appeal, briefly describe the paper appealed from. If the appeal is from an order, specify the relief requested and whether the motion was granted or denied. If an original proceeding commenced in this court or transferred pursuant to CPLR 7804(g), briefly describe the object of proceeding. If an application under CPLR 5704, briefly describe the nature of the ex parte order to be reviewed.			
Plaintiff seeks to add party after referee report			

Issues: Specify the issues proposed to be raised on the appeal, proceeding, or application for CPLR 5704 review, the grounds for reversal, or modification to be advanced and the specific relief sought on appeal.

Supreme Court abused discretion in granting supplemental complaint after referee report

### Party Information

Instructions: Fill in the name of each party to the action or proceeding, one name per line. If this form is to be filed for an appeal, indicate the status of the party in the court of original instance and his, her, or its status in this court, if any. If this form is to be filed for a proceeding commenced in this court, fill in only the party's name and his, her, or its status in this court.

No.	Party Name	Original Status	Appellate Division Status
1	Rabbi Sholmo Braun	None	Appellant
2	PS FUNDING, INC	Plaintiff	Respondent
3	1567 56 NY LLC	Defendant	
4	ARTHUR SPITZER	Defendant	
5	NEW YORK CITY – DEPARTMENT OF FINANCE	Defendant	
6	JANE/JOHN DOE Nos. 1-12	Defendant	
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## Attorney Information

Instructions: Fill in the names of the attorneys or firms for the respective parties. If this form is to be filed with the notice of petition or order to show cause by which a special proceeding is to be commenced in the Appellate Division, only the name of the attorney for the petitioner need be provided. In the event that a litigant represents herself or himself, the box marked "Pro Se" must be checked and the appropriate information for that litigant must be supplied in the spaces provided.

Attorney/Firm Name: Levi Huebner & Associates PC

Address: 488 Empire Boulevard, Suite 100

City: Brooklyn State: NY Zip: 11225 Telephone No: 212.354.5555

E-mail Address: newyorklawyer@msn.com

Attorney Type: ☒ Retained ☐ Assigned ☐ Government ☐ Pro Se ☐ Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above): 1

Attorney/Firm Name: CHARTWELL LAW

Address: One Battery Park Plaza, Suite 710

City: New York State: NY Zip: 10004 Telephone No: (212) 968-2300

E-mail Address:

Attorney Type: ☒ Retained ☐ Assigned ☐ Government ☐ Pro Se ☐ Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above): 2

Attorney/Firm Name:

Address:

City: State: Zip: Telephone No:

E-mail Address:

Attorney Type: ☐ Retained ☐ Assigned ☐ Government ☐ Pro Se ☐ Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above):

Attorney/Firm Name:

Address:

City: State: Zip: Telephone No:

E-mail Address:

Attorney Type: ☐ Retained ☐ Assigned ☐ Government ☐ Pro Se ☐ Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above):

Attorney/Firm Name:

Address:

City: State: Zip: Telephone No:

E-mail Address:

Attorney Type: ☐ Retained ☐ Assigned ☐ Government ☐ Pro Se ☐ Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above):

Attorney/Firm Name:

Address:

City: State: Zip: Telephone No:

E-mail Address:

Attorney Type: ☐ Retained ☐ Assigned ☐ Government ☐ Pro Se ☐ Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above):

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

-----X  
PS FUNDING, INC.,

Plaintiff,

Index No. 503623/2021

- against -

**NOTICE OF ENTRY**

1567 56 NY LLC; ARTHUR SPITZER; NEW YORK  
CITY – DEPARTMENT OF FINANCE; and SHLOMO  
BRAUN,

Defendants,

-----X  
  
PLEASE TAKE NOTICE that the within is a true copy of the Granted Order to Amend  
Complaint and Judgment of Foreclosure and Sale which was granted in this action on June 9,  
2023 and entered in the Office of the Clerk of the within named court County of Kings on July  
14, 2023.

**CHARTWELL LAW**

Dated: July 20, 2023

By: Matthew Burrows  
Matthew Burrows, Esq.  
*Attorneys for Plaintiff*  
*PS FUNDING, INC.*  
One Battery Park Plaza, Suite 710  
New York, NY 10004-1445  
Telephone: (212) 968-2300  
Facsimile: (212) 968-2400

TO:

Anthony Lamberti, Esq.  
Referee  
900 So. Ave., Suite 401,  
Staten Island, NY 10314

1567 56 NY LLC  
54 Stevens Ave.  
Jersey City, NJ 07305

1567 56 NY LLC  
1567 56th Street,  
Brooklyn, NY 11219

ARTHUR SPITZER  
123 Ave I  
Brooklyn, NY 11230

ARTHUR SPITZER  
2370 Forest Circle  
Toms River, NJ 08755

NEW YORK CITY- DEPARTMENT OF FINANCE  
66 John Street  
New York, NY 10038

Levy Huebner & Associates, PC  
*Attorney for Defendant Shlomo Braun*  
488 Empire Boulevard, Suite 100  
Brooklyn, NY 11225



At an IAS Part Court of the  
 Supreme Court of the State of New  
 York held in and for the County of  
 Kings at the Courthouse thereof, 360  
 Adams Street, Brooklyn, New York,  
 on the 9 day of  
June, 2023

P R E S E N T:

HONORABLE

Knipfel

Justice

PS FUNDING, INC.

Index No: 503948/2021

ORDER

503623/2021

Plaintiff,

against

1567 56 NY LLC; ARTHUR SPITZER; RIVY  
 "DOE"; ABE "DOE"

Defendant(s).

Upon reading and filing the affirmation of Matthew Burrows, dated September 23, 2022, the exhibits annexed thereto and upon all papers and proceedings had herein and the Notice of Motion dated September 23, 2022, and the matter having regularly come on to be heard by the Court and there being no opposition thereto and after due deliberation thereof, it is now,

Upon the opposition & reply submitted herewith.

ORDERED, that the caption of this action is amended to be in the form annexed hereto as "Exhibit A" and that all further papers filed in this action bear such caption; and it is further

ORDERED, that plaintiff have leave to serve a supplemental summons and amended complaint upon Shlomo Braun; and it is further

ORDERED, that upon service of the Supplemental Summons and Amended Complaint upon Shlomo Braun said defendant shall have the time prescribed by the CPLR to serve an answer or otherwise move so as to challenge the supplemental summons and amended complaint or any other order entered in this action prior to the date of service of the supplemental summons and amended complaint upon Shlomo Braun; and it is further

~~ORDERED, that should the defendant Shlomo Braun default in answering or in otherwise moving, said defendant shall be bound by all of the terms and conditions set forth in the Summons and Complaint, and Order of Reference, *nunc pro tunc*, as if said defendant were joined as a party to this action at its commencement; and it is further~~

~~ORDERED, that the foreclosure sale to be had pursuant to the Judgment of Foreclosure and Sale entered herein shall sever any rights, title and interest of Shlomo Braun, which are subordinate to plaintiff's mortgage.~~

ENTER:

J.S.C.

HON. LAWRENCE KNIPEL  
ADMINISTRATIVE JUDGE

*EXHIBIT A*

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

PS FUNDING, INC.

Index No. 503948/2021

Plaintiff,

against

1567 56 NY LLC; ARTHUR SPITZER; RIVY  
"DOE"; ABE "DOE"; and SHOLOMO BRAUN,

Defendants.

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS**

-----X  
PS FUNDING, INC.,

Plaintiff,

**Index No. 503623/2021**

- against -

**AFFIDAVIT OF SERVICE**

1567 56 NY LLC; ARTHUR SPITZER; NEW  
YORK CITY – DEPARTMENT OF FINANCE;  
and SHLOMO BRAUN,

Defendants.

-----X  
STATE OF NEW YORK )

) ss.;

COUNTY OF NEW YORK )

Terika Duhl being duly sworn, deposes and says:

Your deponent is employed by Chartwell Law, attorneys for the above named plaintiff,  
and is over the age of 18 years.

That on July 20, 2023, Deponent served a true copy of the Granted  
Order to Amend Complaint on the Defendants or the attorneys for the Defendants, whose names,  
representation and designated addresses appear below or as shown on the attached by depositing  
a true copy of the same, enclosed in a postpaid properly addressed wrapper, in an official postal  
depository under the care and custody of the United States Postal Service, within the State of  
New York.

To:

Anthony Lamberti, Esq.  
Referee  
900 So. Ave., Suite 401.  
Staten Island, NY 10314

1567 56 NY LLC  
54 Stevens Ave.  
Jersey City, NJ 07305

1567 56 NY LLC  
1567 56th Street,  
Brooklyn, NY 11219

ARTHUR SPITZER  
123 Ave I  
Brooklyn, NY 11230

ARTHUR SPITZER  
2370 Forest Circle  
Toms River, NJ 08755

NEW YORK CITY- DEPARTMENT OF FINANCE  
66 John Street  
New York, NY 10038

Levy Huebner & Associates, PC  
*Attorney for Defendant Shlomo Braun*  
488 Empire Boulevard, Suite 100  
Brooklyn, NY 11225

By: *T. Dulle*

Subscribed and sworn before me this

20<sup>th</sup> day of July, 2023

*Rachel Smith*  
Notary Public

